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 7

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10	LINDA SBLENDORIO, individually,	)	<b>2:23-cv-00917-GMN-MDC</b>
11		)	
12	Plaintiff,	)	<b>STIPULATION AND ORDER TO</b>
13	vs.	)	<b>EXTEND DISCOVERY</b>
14		)	
15	ALBERTSON'S LLC, a Foreign Limited-	)	<b>(Third Request)</b>
16	Liability Company; DOES I-X; inclusive; and	)	
17	ROE CORPORATIONS I-X, inclusive	)	
18		)	
19	Defendants.	)	

20 Plaintiff LINDA SBLENDORIO ("Plaintiff") and Defendant ALBERTSON'S LLC  
 21 ("Defendant"), by and through their respective counsel, hereby stipulate and agree to an extension  
 22 of all remaining discovery deadlines by sixty days (60 days). The parties propose the following  
 23 revised discovery plan:  
 24

25 Pursuant to LR 26-3, it is respectfully submitted that the parties' failure to request the  
 26 instant extension of discovery twenty-one (21) days prior to the deadline for Rebuttal Expert  
 27 Disclosure was the result of excusable neglect. Specifically noting the failure to request the  
 28 extension was a mere oversight by the parties. *Bateman v. US Postal Service*, 231 F.3d 1220 (9th  
 Cir. 2000). Further: 1) there is no danger of prejudice as the extension is stipulated by the parties;  
 2) a sixty (60) day extension will not impact a trial date because the same has not been scheduled;  
 3) the parties, their respective Counsel, and witnesses have been limited in appearing for  
 deposition due to the Covid-19 pandemic; and 4) the requested extension is made in good faith by

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both parties. *Pioneer Investment Services v. Brunswick Associate's, Ltd.*, 507 U.S. 380, 395 (1993).

**I.**

**DISCOVERY COMPLETED TO DATE**

1. The parties held a telephonic conference pursuant to Fed. R. Civ. P. 26(f) on June 30, 2023.

2. On July 20, 2023, Plaintiff served her initial disclosure of witnesses and documents pursuant to Fed. R. Civ. P. 26(a)(1).

3. On July 26, 2023, Defendant served its initial disclosure of witnesses and documents pursuant to Fed. R. Civ. P. 26(a)(1).

4. On August 4, 2023, Defendant served initial written discovery on Plaintiff. Plaintiff timely served responses.

5. On September 19, 2023, Plaintiff served initial written discovery on Defendant. Defendant timely served responses.

6. On September 19, Defendant served additional written discovery on Plaintiff. Plaintiff timely served responses.

7. On October 13, 2023, Defendant served its first supplement to its initial list of witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

8. On October 19, 2023, Defendant served its second supplement to its initial list of witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

9. On November 14, 2023, Plaintiff served her first supplement to her initial list of witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

10. On December 12, 2023, Plaintiff served her second supplement to her initial list of witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

11. On January 8, 2024, Plaintiff served her third supplement to her initial list of witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

12. On February 6, 2024, Plaintiff served her fourth supplement to her initial list of witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

13. On February 8, 2024, the parties exchanged initial expert witness designations and reports in accordance with Fed. R. Civ. P. 26.1(a)(2).

14. On February 15, 2024, Plaintiff was deposed.

## II.

### **DISCOVERY TO BE COMPLETED AND REASONS FOR EXTENSION OF DISCOVERY**

Discovery to be completed includes:

1. Deposition of Defendant 30(b)(6) designee
2. Disclosure of rebuttal expert witnesses
3. Depositions of expert witnesses
4. Depositions of Plaintiff's treating physicians
5. Depositions of store employees
6. Depositions of additional fact witnesses

Additional written discovery and depositions as the Parties deem necessary.

The Parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension.

## III.

### **REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN TIME SET BY DISCOVERY PLAN**

Pursuant to LR 45-2(a), it is respectfully submitted the continuance is necessary to allow the parties to continue to explore Alternative Dispute Resolution options. The parties previously requested a discovery extension to allow time for ADR. Unfortunately, due to calendaring conflicts the date/time could not be confirmed prior to the instant request.

This Stipulation to Extend Discovery (Third Request) is made in good faith and not for purposes of undue delay.

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## IV.

**DISCOVERY DEADLINES**

Discovery cutoff:	July 8, 2024
Amending the pleadings or adding parties:	Closed
Expert disclosures:	Closed
Rebuttal expert disclosures:	June 6, 2024
Dispositive motions:	August 5, 2024
Joint Pre-Trial Order:	September 5, 2024

## VII.

**[PROPOSED] NEW DISCOVERY DEADLINES**

Discovery cutoff:	<i>September 6, 2024</i>
Amending the pleadings or adding parties:	<i>Closed</i>
Expert disclosures:	<i>Closed</i>
Rebuttal expert disclosures	<i>August 5, 2024</i>
Dispositive motions:	<i>October 4, 2024</i>
Joint Pre-Trial Order:	<i>November 4, 2024 – suspended until 30 days after decision on dispositive motions, if filed</i>

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Sblendorio v. Albertson's LLC, et al.  
Stipulation and Order to Extend (Third Request)

The Parties aver that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

DATED this 8th day of May, 2024.

DATED this 8th day of May, 2024.

MARSHALL INJURY LAW

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/s/ Eric Marshall

/s/ Jacquelyn Franco

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*Attorneys for Defendants*

**IT IS SO ORDERED:**

  
\_\_\_\_\_  
**Hon. Maximiliano D. Couvillier III**  
**United States Magistrate Judge**

**DATED:** 5/15/2024

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